

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD E. WRIGHT, JR., E-65871,)	
)	
Petitioner,)	No. C 11-1291 CRB (PR)
)	
vs.)	ORDER OF DISMISSAL
)	
RANDY GROUNDS, Warden,)	
)	
Respondent.)	

On December 30, 2010, petitioner, a state prisoner incarcerated at the California Training Facility, submitted to the Ninth Circuit an application for leave to file in the district court a second or successive petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a 1996 conviction and sentence from San Mateo County Superior Court.

On March 16, 2011, the Ninth Circuit denied the application without prejudice because it was "unable to determine whether petitioner has filed a prior habeas petition in the district court challenging his 1996 conviction and sentence." The appellate court also directed the clerk to transfer to the district court petitioner's accompanying original petition for a writ of habeas corpus under 28 U.S.C. § 2254.

Pursuant to the Ninth Circuit's order, currently before this court is petitioner's second or successive petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging a 1996 conviction and sentence from San Mateo County Superior Court. His first petition challenging that same conviction and sentence was denied on the merits on August 19, 2003. See Wright v. Alameida, No. C 02-3607PJH (N.D. Cal. Aug. 19, 2003) (order denying petition).


1 A second or successive petition may not be filed in this court unless
2 petitioner first obtains from the Ninth Circuit an order authorizing this court to
3 consider the petition. See 28 U.S.C. § 2244(b)(3)(A). Petitioner has not obtained
4 such an order from the Ninth Circuit. The petition accordingly is DISMISSED
5 without prejudice to refile if petitioner obtains the necessary order from the
6 Ninth Circuit.

7 Petitioner is advised to attach a copy of this order to his next application to
8 the Ninth Circuit for leave to file in the district court a second or successive
9 petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging his 1996
10 conviction and sentence from San Mateo County Superior Court.

11 The clerk shall terminate all pending motions and close the file.

12 SO ORDERED.

13 DATED: March 24, 2011

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15 CHARLES R. BREYER
16 United States District Judge
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